



Express Mail Label No. EL280660257US

PATENT
Attorney Docket No.: MDS-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Nordstrom et al.
SERIAL NO.: 09/591,706 GROUP NO.: 3737
FILING DATE: June 9, 2000 EXAMINER: Not yet assigned
TITLE: An Optical Probe Accessory Device for Use In Vivo Diagnostic Procedures

ATTN: BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
FILING DATE GRANTED

Sir:

In response to a "Notice to File Missing Parts of Application" dated August 3, 2000, Applicants submit the following;

1. 4 signed declarations, with signatures of Modell, Hed, Bee, Nordstrom, Kwo, and Emans, in compliance with 37 CFR §1.63;
2. the surcharge set forth in 37 CFR 1.492(e) and a petition and a petition fee for a four month extension of time;
3. a signed small entity statement;
4. the utility application fee with additional charges for 5 additional independent claims and 31 additional dependent claims, for a small entity; and
5. a copy of the "Notice to File Missing Parts of Application"

The Commissioner is hereby authorized to charge any additional fee associated with this submission to Account No. 20-0531, as indicated on the attached Fee Transmittal Form, a copy of which is submitted herewith.

Respectfully submitted,

Date: February 5, 2001
Reg. No. 41,418

Tel. No.: (617) 248-7240
Fax No.: (617) 248-7100
waller@tht.com



Patrick R. H. Waller, Ph.D.
Agent for Applicants
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

#3

02-07-01

Sector

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TRANSMITTAL
FORM

Application Serial Number	09/591,706
Filing Date	June 9, 2000
First Named Inventor	Nordstrom
Group Art Unit	3737
Examiner Name	Not Yet Assigned
Attorney Docket No.	MDS-012
BATCH NO. (after allowance)	Not applicable
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Checks Attached
<input type="checkbox"/> Copy of Fee Transmittal Form

<input type="checkbox"/> Amendment/Response
<input type="checkbox"/> Preliminary
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]

<input checked="" type="checkbox"/> Petition for Extension of Time

<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Form PTO-1449
<input type="checkbox"/> Copies of IDS Citations

<input type="checkbox"/> Certified Copy of Priority Document(s)

<input type="checkbox"/> Sequence Listing submission
<input type="checkbox"/> Paper Copy/CD
<input type="checkbox"/> Computer Readable Copy
<input type="checkbox"/> Statement verifying identity of above | <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)

<input type="checkbox"/> Formal Drawing(s)

<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal

<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)

<input type="checkbox"/> Terminal Disclaimer

<input checked="" type="checkbox"/> Executed Declarations and Powers of Attorney for Utility or Design Patent Application

<input checked="" type="checkbox"/> Small Entity Statement

<input type="checkbox"/> CD(s) for large table or computer program

<input type="checkbox"/> Amendment After Allowance

<input type="checkbox"/> Request for Certificate of Correction
<input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences

<input type="checkbox"/> Appeal Brief (in triplicate)

<input type="checkbox"/> Status Inquiry

<input checked="" type="checkbox"/> Return Receipt Postcard

<input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8

<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8

<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)

Response to Notice to File Missing Parts;
Petition for Corrected Filing Receipt;
Edited copy of Filing Receipt |
|---|---|---|

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: February 5, 2001
 Reg. No. 41,418
 Tel. No.: (617) 248-7240
 Fax No.: (617) 248-7100

Respectfully submitted,

Patrick R. H. Waller
 Agent for Applicant(s)
 Testa, Hurwitz & Thibault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110

FORMALITIES LETTER



OC000000005294676

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/591,706	06/09/2000	ROBERT NORDSTROM	MDS-012

021323
TESTA HURWITZ & THIBEAULT
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

EXPRESS MAIL MAILING LABEL

No. EL280660257US

Date Mailed: 08/03/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$948.
 - \$558 for 31 total claims over 20.
 - \$390 for 5 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1768.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

02/09/2001 SDENB001 00000035 200531 09591706

02 FC:201	355.00 OP
03 FC:205	65.00 OP
04 FC:202	200.00 OP
05 FC:203	264.00 OP
15.00 CH	